IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9138 of 2004

Between:
The Toddy Tappers Co-operative Society, Mallapur Village, Uppal Mandal, R.R. District.rep. by its President B. Bikshapathy, age 50 yrs, Occ : Tapper, R/o. Mallapur Village, Uppal Mandal, R.R. District.

..... PETITIONER

AND

1 The Joint Collector, R.R. District, Office at Lakidikapool, Hyderabad.
2 The Mandal Revenue Officer, Uppal Mandal, R.R. District.
3 The Andhra Pradesh Industrial Infrastructure Corporation Ltd. rep by its Director, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent and its officials in visiting the land in Sy.No. 115 and 118 at Mallapur Village, Uppal Mandal, R.R. District on 15-5-2004 at about 3.00 PM and proposing to allot the said land to 3rd respondent and asking the petitioner society to remove its trees there from, is illegal, unlawful, contrary to law, against the order dated 27-3-1997 passed by the 1st respondent and the order dated 5-7-1999 passed by Hon'ble High Court in W.P. No. 20710/98 and arbitrary and consequently direct the 2nd respondent in implementing order dated 27-3-97 passed by 1st respondent vide letter No. H2/1217/96 and also the order dated 5-7-1999 passed by Hon'ble High Court in W.P.No. 20710/98 in giving effect to the assignment and allotment of 5 acres of land in Sy.Nos.115 and 118 at Mallapur Village, to the petitioner society and not to remove the trees existing on the said land.

For the Petitioner: MR. M.DAMODAR REDDY, Advocate.

For the Respondent Nos. 1&2: GP FOR REVENUE.

For the Respondent No.3: R.SUBBA RAO, Standing Counsel .

The Court at the admission stage made the following :

ORDER:

The petitioner viz. Toddy Tappers Co-operative Society, Mallapur village, seeks a direction to the second respondent-Mandal Revenue Oficer, Uppal Mandal, Ranga Reddy District to implement the order passed by the first respondent-Joint Collector in letter No.H2/1217/96, dated 27-3-1997 and also the order of this Court in W.P. No.20710 of 1998 dated 5-7-1999 in giving effect to the assignment and allotment of Ac.5-00 of land situated in survey Nos.115 and 118 of Mallapur village, Uppal Mandal, Ranga Reddy District, in favour of the petitioner.

The petitioner alleges that in terms of G.O.Ms. No.560, dated 9-7-1996, the first respondent issued orders dated 27-3-1997 allotting the land in question to the petitioner-society for the purpose of raising toddy trees thereon and directed the second respondent to handover possession of the land to the petitioner under panchanama stipulating assignment conditions, and since no steps have been taken by the second respondent in that respect, the petitioner filed W.P. No.20710 of 1998, wherein this Court by order dated 5-7-1999 directed the Mandal Revenue Officer, Uppal Mandal, Ranga Redy District to implement the direction issued by the District Collector, Ranga Reddy District in his letter No.H2/1217/96, dated 27-3-1997, if not already done, within a period of one month, even then the order of the first respondent has not been implemented, and on the other hand, the Revenue officials are proposing to allot the said land to the third respondent. Hence, the present writ petition.

On instructions the learned Government Pleader for Revenue submitted that the Commissioner, Land Reforms (CLR) after taking into consideration the proposals submitted by the Collector, Ranga Reddy District, has issued directions vide his Ref. No.BB1/1793/97, dated 10-12-1997 and informed that the allotment in G.O.Ms. No.560, Rev. (Assign-I) Dept., dated 09-07-1997 does not mean either lease, alienation or assignment and that the land is very costly, as such it cannot be allotted to any Society as it contains Sendhi trees and the Excise Department can allot the Sendhi trees and collect the seigniorage. In view of the said directions of the CLR, the Collector, Ranga Reddy District vide his Proc.No.Lc2/8311/98, dated 23-09-1999 issued orders to keep the land in P.O.B. as it contains the Sendhi trees and allotted it to the Excise Department who can allot the Senthi trees to Toddy Tappers Co-operative Society, Mallapur and collect the seigniorage. He also submitted that since the land is valuable and required for public purpose, the Government intends to file review petition against the orders of this Court in W.P. No.20710 of 1998, dated 05-07-1999.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and considering the facts and circumstances of the case and in view of the fact that the Government intends to file review petition against the orders of this Court in W.P. No.20710 of 1998, dated 05-07-1999, I see no reason at this stage to direct the second respondent to implement the order passed by the first respondent, dated 27-3-1997 in relation to allotment of the land in question to the petitioner-society.

The writ petition is accordingly dismissed. No costs.

N.V. RAMANA, J

Date: 22-06-2004

SVV

To

1. The Joint Collector, R.R. District, Office at Lakidikapool, Hyderabad.
2. The Mandal Revenue Officer, Uppal Mandal, R.R. District.
3. Two CCs. to the Govt. Pleader for Revenue, High Court of A.P., Hyderabad (OUT).
4. Two C.D. copies